

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION**

| | | |
|-----------------------------------|---|-------------------------|
| SMOKY HILLS WIND PROJECT II, LLC, |) | |
| |) | |
| Plaintiff/Counterclaim Defendant |) | |
| |) | |
| v. |) | Case No. 15-CV-00054-RK |
| |) | |
| CITY OF INDEPENDENCE, MISSOURI, |) | |
| |) | |
| Defendant/Counterclaimant. |) | |

NOTICE OF APPEAL

Notice is hereby given that Smoky Hills Wind Project II, LLC (“Smoky Hills”), Plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the final judgment entered in this action on the 14th day of December, 2016 and the related opinion and order entered on the 23rd day of November, 2016. Smoky Hills has also included with this Notice its payment of fees (\$5.00 filing and \$500.00 docketing) as required by 28 U.S.C. §§ 1913, 1917, and by Rule 3(e) of the Federal Rules of Appellate Procedure.

Dated: January 11, 2017

Respectfully Submitted,

GERMAN MAY PC

By /s/ Daniel E. Blegen

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to counsel of record for this case.

/s/ Daniel E. Blegen

Attorney for Plaintiff